

## RULE 157.1

### UNITED STATES MAGISTRATE JUDGES

#### (a) Authority and Duties in General

In addition to the powers and duties set forth in L.Civ.R. 72, any full-time United States Magistrate Judge appointed by this Court is authorized to exercise all the powers and perform all the duties conferred upon magistrate judges by 28 U.S.C. §§ 636(b), (c) and (g); 18 U.S.C. § 3401(l); and to exercise the powers enumerated in Rules 5, 8, 9 and 10 of the Rules Governing Section 2254 and 2255 Proceedings in accordance with the standards and criteria established in 28 U.S.C. § 636(b)(1).

#### (b) Other Duties

United States Magistrate Judges are also authorized to:

- (1) exercise general supervision of criminal calendars, conduct calendar calls, some-disposition hearings, status conferences, pretrial conferences, settlement conferences, and other related pretrial proceedings;
- (2) upon consultation with the presiding judge, decide motions to expedite a trial setting or continue the trial;
- (3) receive grand jury returns pursuant to Rule 6 of the Federal Rules of Criminal Procedure;
- (4) conduct hearings and enter orders on motions arising of grand jury proceedings including, without limitation, orders for the enforcement or modification of subpoenas, to conduct line-ups, finger or palm-printing, voice and handwriting identification, medical examination, and the taking of blood, urine, fingernail, hair and body secretion samples, with appropriate medical and forensic safeguards;
- (5) accept waivers of indictment pursuant to Fed.R.Crim.P. Rule 7(b) and upon defendant 's consent, preside over Fed.R.Crim.P. Rule 11 proceedings;
- (6) issue subpoenas, writs or *habeas corpus ad testificandum* or *ad prosequendam*, or other orders necessary to obtain the presence of parties, witnesses or evidence needed for court proceedings;
- (7) approve surety bonds in criminal cases, and order the termination, exoneration, or forfeiture of said bonds;
- (8) conduct verification of consent by offenders to transfer from or to the United States pursuant to 18 U.S.C. §§ 4107, 4108 and 4109 and appoint counsel pursuant thereto;
- (9) conduct the initial appearances, bail, preliminary hearings and arraignments;
- (10) conduct extradition proceedings pursuant to 18 U.S.C. § 3184;
- (11) order the preparation of Presentence Reports, in appropriate cases;
- (12) conduct mental competency hearings pursuant to 18 U.S.C. §§ 4241 *et seq.*, and enter orders for psychiatric or psychological examination or for

hospitalization at a psychiatric institution for a period not to exceed ninety (90) days pursuant thereto; hear motions and enter orders for examination for mental competency;

- (13) hear and determine motions pursuant to Rules 8 and 14 of the Federal Rules of Criminal Procedure;
- (14) approve attorneys' expense vouchers pursuant to 18 U.S.C. § 3006(a), in appropriate cases;
- (15) conduct initial appearances and preliminary hearings in revocation of probation or supervised release cases;
- (16) upon proper application made through the United States Probation Office and in the absence of the judge who originally imposed sentence, grant permission to a person on probation or supervised release, to leave the jurisdiction of this Court;
- (17) issue arrest, search, seizure and inspection warrants;
- (18) enter orders authorizing installation and use of devices to register telephone numbers ("pen registers" or "trap and trace devices") pursuant to 18 U.S.C. § 3122, or any other form of electronic surveillance authorized by Title III of the Omnibus Crime Control and Safe Streets Act of 1968, 18 U.S.C. §§ 2510, *et seq.*;
- (19) supervise proceedings of letters rogatory or requests pursuant to 28 U.S.C. §§ 1781, *et seq.*;
- (20) enter orders to withdraw Registry Funds in misdemeanor or petty offense cases disposed of by a Magistrate Judge, in bail release proceedings, and in pretrial matters referred to a Magistrate Judge for disposition;
- (21) conduct and preside over qualification and selection of Grand Jury panels, jury selection in criminal cases upon the parties consent;
- (22) conduct and preside over trials of Class A misdemeanor, upon the parties' consent;
- (23) conduct and preside over trials of Class B and C misdemeanor.

The enumeration of specific duties in this rule is not to be construed as limiting the referral of any other matter otherwise not inconsistent with the Constitution and laws of the United States.

### **(c) Emergency Magistrate Judge**

One of the magistrate judges is designated as the emergency duty magistrate judge for each week of the calendar year. The magistrate judge so designated during a particular week is the emergency duty magistrate judge for all requests and complaints submitted by all U.S. Government Agencies within the territorial jurisdiction of the District of Puerto Rico including, but not limited to: filing of criminal complaints; issuance of warrants of arrest, to search, to seize, and for site inspection; presentations for initial bail determinations or detention; conduct preliminary examinations pursuant to Fed. R. Crim. P. 5.1; removal proceedings pursuant to Fed. R. Crim. P. 40; grand jury returns; appointment of counsel in criminal cases in connection with original matters; applications for pen registers, traps

and traces, and other electronic tracking devices; and, other matters within the original jurisdiction of magistrate judges.

It is the duty of the magistrate judges to devise an emergency duty schedule which should be notified to the Clerk of Court and the U.S. Attorney's Office.